



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Reserved on: 10th July, 2025
Pronounced on: 18th July, 2025

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BAIL APPLN. 1505/2025

PARDEEP PRADHAN

S/o Sh. Rajender Pradhan

R/o RZ-5B, Gali No. 30, Palam Colony,

Palam Village, New Delhi

.....Petitioner

Through: Mr. Navlendu Kumar, Adv.

versus

STATE (GOVT. OF NCT OF DELHI)

Through SHO PS Paharaganj

.....Respondent

Through: Mr. Shoaib Haider, APP for the State

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 439 of the Code of Criminal Procedure, 1973) has been filed on behalf of Petitioner – Pardeep Pradhan for grant of Regular Bail in FIR No. 0461/2021 dated 19.11.2021 under Section 364A/392/397/412/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) and Sections 25/27/54/59/30 of Arms Act, registered at Police Station Paharganj.



2. Briefly stated, the Bail Application filed before the learned ASJ had been dismissed *vide* Order dated 04.04.2025. It is submitted that the Applicant is an Accused and not a convict. The over-arching postulate of criminal jurisprudence that the Accused is presumed to be innocent unless proven guilty, cannot be brushed aside lightly howsoever stringent the penal law may be. It is submitted that due to lack of post-operative palliative care, the Applicant's mother is experiencing complications in her operated eye. She is in urgent need of cataract surgery for her right eye and also requires emotional and moral support, especially in the light of recent demise of Applicant's father.

3. It is further submitted that the three conditions for making of an offence under Section 364A IPC as laid down by Apex Court in Shaik Ahmed vs. State of Telangana; (2021) 9 SCC 59 are:

- "A) There should be a kidnapping or abduction of a person or a person is to be kept in detention after such kidnapping or abduction;*
- B) There is a threat to cause death or hurt to such a person or the accused by their conduct give rise to a reasonable apprehension that such person may be put to death or hurt;*
- C) Or cause death or hurt to such a person in order to compel the Government or any foreign state or intergovernmental organisation or any other person to do or abstain from doing any act or to pay a ransom."*

4. The necessary ingredients have to be proved beyond reasonable doubt. Not only act of abduction is to be established, but demand of ransom coupled with threat to life of the person abducted must also be established as



held by the Apex Court in the case of Ravi Dhingra vs. State of Haryana (2023) 6 SCC 76.

5. The learned ASJ has not considered even the humanitarian aspect and has incorrectly observed that the Applicant's mother can be taken care of by other family members or friends in his absence. In his absence, this presumption is particularly unjustified, given that Applicant is the sole person responsible for her care.

6. It is submitted that the Applicant had sought grant of Interim Bail from this Court on 24.02.2025 for a period of 11 days, till 07.03.2025. Interim Bail was granted for the cataract operation of the Applicant's mother, which was done on 02.03.2025, though it was earlier scheduled for 25.03.2025. On the night of 25.02.2025 at about 9.00 PM, the Applicant was released on Interim Bail. However, considering the late hour of release at about 9.00 PM, it was impossible for him to consult the doctor without prior appointment to schedule his mother's cataract operation, which was scheduled for the same date.

7. Since the Applicant's mother was suffering from arthritis for several years, the Applicant took her to Aakash Hospital for further treatment on account of her worsening condition. The appointment was scheduled for 27.02.2024 and the doctor prescribed her the requisite treatment. The follow up review was scheduled after two months. During the short duration of Interim Bail of just 10 days, he had immense pressure to ensure his mother's requisite treatment.

8. Applicant is a 36 years old, responsible and law abiding citizen, who holds respectable position in the society. After the demise of his father, he is



the sole male member to take care of his mother aged about 70 years. She is elderly and suffers from multiple health issues.

9. It is further submitted that after the dismissal of the Bail Application by Sessions Court *vide* Order dated 12.03.2025, a Regular Bail got filed before this Court inadvertently, when it was intended only for the extension of interim bail for a period of 30 days and not for grant of fresh Interim Bail or Regular Bail. Therefore, reliance placed on *Kusha Duruka vs. State of Odisha*, Criminal Appeal No. 303/2025 is misplaced and is not applicable to the present Regular Bail Application. It is further

10. The Petitioner has sought grant of Bail on the ground that he is working as a SI in Delhi Police and a law abiding citizen. The investigating authorities have been causing harassment to the Applicant and misusing their authority by implicating him in this case. The Chargesheet has already been filed by the prosecution.

11. The essential ingredient of Section 364A IPC has not been made out by the prosecution. Furthermore, the object of Bail is to secure the attendance of the Accused at the trial. No particular circumstances are suggestive of Applicant fleeing from justice or thwarting the course of justice or that he would commit the offence again if released on bail. There is no likelihood of his intimidating the witnesses. He is not a flight risk. Hence, he may be granted bail.

12. **Status Report** has been filed by the State wherein the details of the investigations and the role of the Applicant, have been detailed. Statement of 13 witnesses have already been recorded by the Prosecution. It is submitted that considering the involvement of the Applicant, which is established from



the evidence collected during investigation, the Bail Application be dismissed.

13. Submissions heard and the record perused.

14. The brief facts of this Case are that the Complainant namely Sandeep Kumar Malviya gave a Complaint stating that on 18.11.2021 in evening, he received a call from his employee, Shailender, who works in his NGO and told that at about 01:45 p.m, three unknown persons had forcibly taken Ghanshyam @ Bittu from the Office of the NGO by showing a revolver. They had also taken the mobile phones of three girls, namely, Jyoti, Suhan and Sunandan working in the Office. Further, they have made a demand of Rs.5,00,000/- or else they have threatened that Ghanshyam would be shot dead. The Complainant despite efforts, was not able to reach the phone of Ghanshyam Gupta. On his Complaint, FIR No. 0461/2021 dated 19.11.2021 under Section 364A/392/397/412/34 IPC and Section 25/27/54/59/30 of Arms Act, was registered at Police Station Paharganj, District Central.

15. During the course of investigations, the Investigating Officer came to know that the kidnappers were asking the Complainant to come to Dwarka, Sector-23 with money. Raiding Team was constituted which reached the destination. In an abandoned place, the Accused persons along with victim were found in an Alto car registration No. DL 9C AP 4603. The victim was found sitting in the rear seat between two Accused persons, namely, Tejwinder and Amit Kumar Yadav while Pardeep Pardhan was occupying the driver seat. All the three Accused were arrested. The abducted Complainant was thus, recovered.



16. During investigations, it was found that the Accused Pardeep Pardhan was posted as Sub-Inspector, Special Judge, Janak Puri, Delhi while Amit Kumar Yadav was posted as Constable in District Central, Delhi and Tejwinder was a retired Army personnel and dismissed from Delhi Police. All three robbed mobile phones and one revolver with six live cartridges were recovered from the possession of Accused, Tejwinder. Statement under Section 164 Cr.P.C., of the Complainant, was recorded.

17. The Applicant is in judicial custody since 19.11.2021. The statement of the Complainant/Victim has already been recorded in the Court. Admittedly, the Applicant had been dismissed from the Delhi Police and has not been reinstated.

18. Considering the totality of circumstance as discussed above and also that Complainant has been recovered, no fruitful purpose would be served keeping the Applicant in jail. Applicant is hereby granted Regular Bail, on the following terms and conditions:

- a) The Petitioner/Applicant shall furnish a personal bond of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The Petitioner/Applicant shall appear before the Court as and when the matter is taken up for hearing;
- c) The Petitioner/Applicant shall provide his mobile number/changed mobile number to the IO concerned which shall be kept in working condition at all times;
- d) The Petitioner/Applicant shall not indulge in any criminal activity and shall not communicate or intimidate the witnesses.



e) In case the Petitioner/Applicant changes his residential address, the same shall be intimated to learned Trial Court and to the concerned I.O.

19. The copy of this Order be communicated to the concerned Jail Superintendent, as well as, to the learned Trial Court.

20. The Bail Application is accordingly disposed of.

(NEENA BANAL KRISHNA)
JUDGE

JULY 18, 2025

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